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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,076

04/15/2004

Gary F. Holland

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7149

27267

7590

06/30/2010

WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
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EXAMINER

NGUYEN, DINH Q

ART UNIT

PAPER NUMBER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/825,076	Applicant(s) HOLLAND ET AL.	
	Examiner Dinh Q. Nguyen	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55,56 and 61-65 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 50 is/are allowed.
- 6) ☒ Claim(s) 55,56 and 61-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/15/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of claims 55, 56, 61-65 is withdrawn in view of the newly 35 U.S.C. 112 rejections after a further detail examining of the claims as follows:

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 55, 56 and 61-65 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to claim 55, the limitation "with said reservoir being mounted in proximity to said body" is not fully understood by the Examiner, the instant specification cites the fire suppression system being mounted on the vehicle (see the specification page 5, lines 2 and 3), or the fire suppression system and distribution piping that can be mounted in a location outside of the vehicle crumple zones (see the specification page 13, lines 19 and 20), no where in the specification discloses the specific reservoir that containing a fire suppressant agent, wherein the reservoir is being mounted in proximity to said body, the expression in proximity is being understood as being close to, thus the limitation "with said reservoir being mounted in proximity to said body" is being understood as the fire suppressant agent reservoir (not the whole system or the distribution pipes and

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the discharge nozzles) is being mounted close to the vehicle body (external surface of the body) and not on the body or outside of the vehicle crumple zones.

With respect to claim 55, the limitation “the vehicle has been subject to an impact and whether the vehicle is moving subsequent to such an impact” is not fully understood by the Examiner, the instant specification cites ‘the sensor may be an acceleration sensor. A timer delays activating the fire extinguishing system for a suitable period to allow the vehicle to slow down or come to rest.” (see the specification page 4, lines 12-14); or the “the interlocks can rely on sensors that detect acceleration, deceleration, speed, time, temperature, fuel, fuel level, fire, smoke light transmittance and optical signature or manual switch” (see the specification page 5, lines 16-18); or on page 17, on line 1, the “an acceleration sensor 408 or deceleration 410 can be provided to detect a collision” ; Furthermore, on page 17, lines 9 and 10, the expression "Knowing when a vehicle is stopped or coming to a stop after a collision is important since activation of the fire suppression system at such time takes place where it is most likely that fuel has been spilled or will accumulate underneath the vehicle."; no where in the specification discloses the “the vehicle has been subject to an impact and whether the vehicle is moving subsequent to such an impact”, since an accelerometer is required for sensing the vehicle has been subject to an impact and a speed sensor is also required after the impact for sensing whether the vehicle is moving subsequent to such an impact, thus a sensor system of an acceleration sensor and a speed sensor is required to be connected to the processor.

Similarly with respect to claim 56, the step of “sensing an impact upon the vehicle” and following by the step of “sensing the vehicle’s speed following the impact” are not fully

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understood by the Examiner, the instant specification cites "the sensor may be an acceleration sensor. A timer delays activating the fire extinguishing system for a suitable period to allow the vehicle to slow down or come to rest." (see the specification page 4, lines 12-14); or the "the interlocks can rely on sensors that detect acceleration, deceleration, speed, time, temperature, fuel, fuel level, fire, smoke light transmittance and optical signature or manual switch" (see the specification page 5, lines 16-18); or on page 17, on line 1, the "an acceleration sensor 408 or deceleration 410 can be provided to detect a collision" ; furthermore, on page 17, lines 9 and 10, the "Knowing when a vehicle is stopped or coming to a stop after a collision is important since activation of the fire suppression system at such time takes place where it is most likely that fuel has been spilled or will accumulate underneath the vehicle."; no where in the specification discloses the step of "sensing an impact upon the vehicle" and following by the step of "sensing the vehicle's speed following the impact", since an accelerometer is required for sensing an impact upon the vehicle and a speed sensor is also required after the impact for sensing whether the vehicle is moving subsequent to such an impact, thus a sensor system of an acceleration sensor and a speed sensor is required to be connected to the processor.

The instant application fully discloses the automobile fire extinguishing system using: a) an acceleration sensor, or b) deceleration sensor, or c) a speed sensor and a timer (as claimed in the instant claim 50), but do not fully disclosing the limitations of the added claims 55 and 56 as indicated above.

Allowable Subject Matter

4. Claim 50 is allowed.

Response to Arguments

5. Applicant's arguments filed April 15, 2010 have been fully considered but they are not persuasive in view of the 35 U.S.C. 112 rejections as indicated above.
6. Applicant's arguments with respect to claims 55, 56, 61-65 have been considered but are moot in view of the new ground(s) of rejection.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q. Nguyen whose telephone number is 571-272-4907. The examiner can normally be reached on Monday-Thursday 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571-272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinh Q Nguyen/
Primary Examiner, Art Unit 3752

dqn

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